



City of Santa Barbara

R-3 AND R-4 ZONES (EXCERPT)

CHAPTER 28.21

R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE AND R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE*

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28.21.001 In General.

The following regulations shall apply to both the R-3 Limited Multiple-Family Residence Zone and the R-4 Hotel-Motel-Multiple-Residence Zone unless otherwise provided in this ordinance. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.005 General Description and Legislative Intent.

1. R-3 ZONE.

This is a restricted residential district of high density in which the principal use of land is for multiple-family dwellings, together with recreational, religious and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life and to prohibit activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

2. R-4 ZONE.

This is a hotel-motel multiple residence district in which the principal use of land is intended to be for multiple housing, together with recreational, religious and educational facilities required to serve the community. The provisions of this ordinance are intended to provide a pleasant and healthful environment by establishing provisions for usable open spaces.

It is the intent of this district to allow hotels and similar establishments, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests, while protecting the existing housing stock, and to preserve the residential character of those neighborhoods which are still primarily residential. In addition, the preservation of buildings of architectural and/or historical significance shall be encouraged. A conversion permit will be required in order to convert existing dwelling units for the purpose of providing hotel or similar uses.

Regulations for this district are designed to control activities of a retail commercial nature and those which would tend to be inharmonious with housing. Restaurants intended to serve the visitors using the established hotels and motels in the immediate vicinity are permitted subject to approval of a conditional use permit. (Ord. 4199, 1983; Ord. 4018 §1, 1979; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.030 Uses Permitted.

A. R-3 ZONE.

1. Any use permitted in the R-2 Zone and subject to the restrictions and limitations contained therein, except that any use specifically mentioned hereafter shall be subject to the restrictions of the R-3 Zone.

2. One-, two-, and multiple-family dwellings.

3. Community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals subject to the provisions in Chapter 28.93.

B. R-4 ZONE.

1. Any use permitted in the R-3 Zone and subject to the restrictions and limitations contained therein, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the R-4 Zone.

2. Hotels and related recreational, conference center and other auxiliary uses primarily for use by hotel guests. Any hotels, when units are designed or constructed with cooking facilities shall, as to such units, be subject to the lot area per unit requirements of the R-4 Zone and to the parking requirements for multiple family units required in Subsection 28.90.100.G.3 of this Code. Such hotels when designed, constructed or used for either twenty-four (24) or more dwelling units, or fifty (50) guest rooms or more may include a business, except a restaurant, conducted therein for the convenience of the occupants and their guests; provided entrance to such places of business be from the inside of such buildings; that the floor area used for all the businesses in the facility shall not exceed thirty percent (30%) of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots; and provided further that no street frontage of any such building shall be used for such business. Any hotel, regardless of the number of units or rooms therein, may include a restaurant for use by the hotel occupants and their guests only, provided that such facility conforms to all other requirements imposed on any "business" by this paragraph. A restaurant not conforming to all other requirements imposed on any "business" by this paragraph or not for use solely by hotel occupants and their guests may be established only if a conditional use permit is obtained for operation of a restaurant under Chapter 28.94 of this Code. (Ord. 4858, 1994; Ord. 4199, 1983; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.035 Uses Permitted Upon the Issuance of a Conditional Use Permit or Performance Standard Permit.

As provided in Chapters 28.93 and 28.94 of this ordinance. (Ord. 5380, 2005; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.050 Building Height.

Three (3) stories, which three (3) stories combined shall not exceed (i) forty-five feet (45') nor (ii) exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.060 Yards.

1. FRONT YARD. There shall be a front yard of not less than ten feet (10') for one- and two-story buildings and fifteen feet (15') for three-story buildings provided, however, that if one-half (1/2) or less of the ground floor area of a proposed building is three (3) stories and said third story is constructed no

closer to a front yard than one-third (1/3) the ground floor building dimension measured perpendicularly to that front yard, the setback conditions for a two-story building for the front yard shall apply.

2. **INTERIOR YARDS.** There shall be interior yards of not less than six feet (6') for one- and two-story buildings, and ten feet (10') for three-story buildings; provided, however, that if one-half (1/2) or less of the ground floor area of a proposed building is three (3) stories, the ten foot (10') setback shall apply only to said three-story portion of the building.

3. **REAR YARDS.** There shall be rear yards of not less than six feet (6') for one-story buildings or the first floor of a building which is more than one-story and ten feet (10') for the second story and above for floors above the first floor.

For purposes of this section, a rear yard shall be that yard area at the property line opposite the front lot line. In the event of two or more front lot lines, the rear yard area shall be opposite either of the front lot lines. (Ord. 4018 §2, 1979; Ord. 3710, 1974; Ord. 3587, 1973; Ord. 3332, 1969.)

28.21.065 Reduction of Yard Requirements.

It is hereby declared that under the following conditions a physical hardship exists on all R-3 and R-4 Zone lots, and that the listed modifications are hereby granted where the stated conditions exist.

Other provisions of this title notwithstanding a conforming addition may be made to an existing nonconforming dwelling where such nonconformance is due to inadequate front or interior yard setbacks, providing said dwelling complied with the yard setbacks required by ordinance at the time of construction. (Ord. 3710, 1974; Ord. 3587, 1973.)

28.21.070 Distance Between Buildings on the Same Lot.

No main building shall be closer than fifteen feet (15') to any other main building on the same lot, except that a one-story building shall be no closer than ten feet (10') to another one-story building. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.080 Lot Area and Frontage Requirements.

A. **Minimum Lot Size and Frontage for New Lots.** Every lot hereafter created in an R-3 and R-4 Zone shall contain at least fourteen thousand (14,000) square feet and sixty feet (60') of frontage on a public street.

B. **Existing Lots Between 5,000 and 7,000 Square Feet.** For existing lots having between five thousand (5,000) and seven thousand (7,000) square feet of lot area, such lot may be used as a building site for two (2) dwelling units, provided that all other regulations of the zone prescribed by this title are observed.

C. **Lots Less Than 5,000 Square Feet.** For existing lots of less than five thousand (5,000) square feet of area, such lot may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

D. **Lots Greater Than 7,000 and Less Than 14,000 Square Feet.** For existing lots having between seven thousand (7,000) and fourteen thousand (14,000) square feet of lot area, such lot may be used as a building site for three (3) units, provided that all other regulations of the zone prescribed by this title are observed.

E. **Lots Greater Than 14,000 Square Feet.** For lots of fourteen thousand (14,000) square feet or more, there shall be provided a lot area of three thousand five hundred (3,500) square feet or more for each dwelling unit hereafter erected.

F. **Additional Open Space.** In addition to all required yards, there shall be an open space area of not less than ten percent (10%) of the total lot area. The open space may consist of walks, patios, planted areas, lawns, swimming pool areas and other landscaped area; excluding, however, for open space credit

garages, carports, balconies, porches, roof areas, driveways, parking and turn-around areas. Landscaped areas which are located seven feet (7') or more below eaves, balconies and other architectural and building projections may be included in the open space required herein.

G. Variable Density in Certain Zones. Lots in the R-3, R-4, C-1, C-2, C-M and R-O Zones, as well as lots in the HRC-2 and OC Zones where residential uses are allowed by the Local Coastal Plan, may be used as a building site for more units than permitted in paragraphs B, C, D and E above if the number of bedrooms in the dwelling unit is limited in accord with the following:

- a. Studio unit - one (1) unit per 1,600 square feet of lot area;
- b. 1 bedroom unit - one (1) unit per 1,840 square feet of lot area;
- c. 2 bedroom unit - one (1) unit per 2,320 square feet of lot area;
- d. 3 or more bedroom unit - one (1) unit per 2,800 square feet of lot area.

Existing lots with less than 5,000 square feet of lot area size, shall not be used as a building site under this sub-paragraph for more than two (2) dwelling units. This sub-paragraph shall be applicable in the R-3, R-4, C-1, C-2, C-M, R-O, HRC-2 and OC Zones and not in any other zone. (Ord. 5343, 2005; Ord. 4772, 1992; Ord. 3950 §1, 1978; Ord. 3753, 1975.)

28.21.081 Outdoor Living Space.

Outdoor living space shall be provided in either of the following methods:

- a. Private outdoor living space as follows:

- (1) Private outdoor living space shall be provided for each dwelling unit as follows:

- A. Ground Floor Units:

- (1) Studio unit-100 square feet
 - (2) 1 bedroom unit-120 square feet
 - (3) 2 bedroom unit-140 square feet
 - (4) 3 bedroom unit-160 square feet

- B. Second Floor Units and above:

- (1) Studio unit-60 square feet
 - (2) 1 bedroom unit-72 square feet
 - (3) 2 bedroom unit-84 square feet
 - (4) 3 bedroom unit-96 square feet

- (2) Private outdoor living space areas shall have a minimum dimension in any direction as follows:

- A. Ground floor units-10 feet

- B. Second floor units and above-6 feet

- (3) Private outdoor living space may include planter areas of less than fifty (50) square feet, patio areas, balconies, and decks, and shall not include stairs, entrance decks, and/or landings.

- (4) Private outdoor living space may encroach into required yards as follows:

- A. Uncovered balconies may encroach 2 feet as specified in section 28.87.062.1 and 2.

- B. Private outdoor living space on the ground floor may encroach into required side and rear yard up to the property line, provided there is no overhead structure of any type.

- C. Private outdoor living space may encroach in the front yard up to 10 feet from the front property line but shall not include more than fifty (50) percent of the front yard area, excluding driveways, and subject to the following conditions:

(1) Said private outdoor living space shall be enclosed with a solid fence and landscaping having a minimum height of five (5) feet and a maximum height of six (6) feet. If there are substantial views from the respective unit and/or where the area does not abut a street, this condition may be waived by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark.

(5) Private outdoor living space shall be contiguous to and accessible from the unit served.

b. Common open yard area subject to the following conditions:

(1) Ten percent (10%) open space as stated in section 28.21.080.6 is waived when using this option.

(2) Open yard areas shall consist of at least fifteen percent (15%) of the total lot area.

(3) At least one open yard area shall have a minimum dimension of twenty feet (20') in any direction.

(4) Open yard areas may include required side and rear yard setback areas, but not required front yard areas. (Ord. 4851, 1994; Ord. 4018 §3, 1979.)

28.21.085 Regulations for Non-residential Buildings, Structures and Uses.

1. YARDS. Yards for all buildings and structures used for non-residential purposes shall be double the yard requirements for a dwelling as required for the zone in which such building or structure is located. Conversions or remodels of existing residential structures to non-residential uses specifically allowed in Paragraph 28.21.030.B.2 shall be exempt from the double yard requirement.

2. LOT COVERAGE. Not more than twenty-five percent (25%) of the area of a lot may be covered by buildings used for non-residential purposes. Conversions of existing residential structures to non-residential uses specifically allowed in Paragraph 28.21.030.B.2 shall be exempt from the 25% coverage requirement.

3. ARCHITECTURAL APPROVAL. All buildings used for non-residential purposes shall be subject to the approval of the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. (Ord. 4946, 1996; Ord. 4851, 1994; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.090 Other Requirements.

The City Council may impose other requirements as may be deemed necessary to preserve the residential character of the neighborhood including the mailing of notices to property owners and the holding of a public hearing. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.100 Off-street Parking.

Off-street parking shall be provided as required in Chapter 28.90 of this title. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.110 Signs.

Signs shall be permitted in these zones only as prescribed in the Sign Ordinance of the City of Santa Barbara. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.120 Public Street Requirements.

1. When any person proposes to construct one (1) or more multiple-family dwellings, wherein the number of dwelling units is controlled by Section 28.21.080.4, on a lot or combination of lots, the size, shape, dimensions or topography of which, in relation to existing abutting public streets, require that there

be an adequate access or internal circulation roadway for vehicular traffic including but not limited to emergency vehicles and equipment traffic, the Chief of Building and Zoning may, prior and as a condition to the issuance of a building permit for such dwelling or dwellings, require the submission by the owner or applicant of a plot plan of such lot or combination of lots showing the location of all existing buildings and all buildings proposed to be constructed thereon and showing the location, width, and extent of improvements of an adequate access or internal circulation roadway thereon designed to connect with the abutting public street or streets.

The term adequate access or internal circulation roadway shall mean a dedicated public street established and improved to City standards and so located as to provide convenient and orderly traffic movement, ingress and egress and circulation upon, through and within the lot or combination of lots in relation to abutting streets, the multiple-family dwelling or dwellings, and the off-street parking areas required in connection with such dwelling or dwellings.

The plot plan and adequate access or internal circulation roadway shall be required by the Chief of Building and Zoning where:

- a. The lot or combination of lots which is the site of the proposed construction exceeds five (5) acres; or
- b. The maximum possible number of dwelling units which could be constructed on such lot or combination of lots, pursuant to Section 28.21.080.4 exceeds one hundred (100); or
- c. Any portion of a multiple-family dwelling proposed to be constructed on the lot or combination of lots will be more than two hundred and fifty feet (250') from the right-of-way line of an abutting street.

When none of the three (3) foregoing categories are applicable to the lot or combination of lots, the adequate access or internal circulation roadway as defined herein shall not be required where the lot or combination of lots abut on a previously dedicated street or streets and where the private driveway access from the nearest entry to the required off-street parking area to the point of connection with such street or streets does not exceed one hundred and fifty (150) lineal feet.

2. When the plot plan required by the Chief of Building and Zoning is filed, the building official shall forthwith submit the same to the Division of Land Use Controls and the Public Works Department for investigation, report and recommendation. Such reports and recommendations shall be submitted to the Planning Commission for hearing at its earliest convenience, and such Planning Commission shall, following such hearing, approve, modify or reject such proposed adequate access or internal circulation roadway in respect to location and connection with existing abutting street or streets.

3. The owner or applicant may appeal any decision of the Planning Commission to the City Council in the manner provided by Chapter 28.92 of this ordinance.

4. Following approval by the Planning Commission or the City Council, as the case may be, of the proposed adequate access or internal circulation roadway shown on the plot plan, the owner or applicant shall:

- a. By formal instrument offer to dedicate said proposed roadway as a public street; and
- b. Either complete the required improvement of such public street to the satisfaction of the City Engineer or agree to complete such improvement within a period of one (1) year, such agreement to be secured by a good and sufficient surety bond in a principal sum equivalent to the estimated cost of such public street on the basis of estimates to be provided by the Department of Public Works, and conditioned on final completion of the construction of said street.

5. Upon completion of such public street improvement to the satisfaction of the City Engineer, or the execution and acceptance of an agreement to complete, secured by bond, a building permit shall then be issued if the requirements of other applicable ordinances have been met. The offer of dedication shall

continue until and shall not be accepted until the required improvements have been completed to the satisfaction of the City Engineer. (Ord. 3710, 1974; Ord. 3119, 1966; Ord. 3118, 1966.)

28.21.130 Development Plan Approval.

Development plan review and approval by the Planning Commission are sometimes required by Section 28.87.300 of this Code. (Ord. 4140, 1982.)

28.21.131 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300. (Ord. 4670, 1991.)

****Note: This is an excerpt from the Zoning Ordinance. Please refer to the Zoning Ordinance for additional information.***